

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of I.A., J.A., B.A, and T.G.A,)	(Not For Official Publication)
persons under eighteen years)	
of age.)	Case No. 20060419-CA
_____)	
)	
K.A.,)	F I L E D
)	(July 28, 2006)
Appellant,)	
)	2006 UT App 309
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 452397
The Honorable Robert S. Yeates

Attorneys: Jeffrey J. Noland, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce and Tracy S. Mills, Salt Lake City,
Guardians Ad Litem

Before Judges Bench, Billings, and McHugh.

PER CURIAM:

K.A. (Father) appeals the juvenile court's termination of his parental rights in I.A., J.A., B.A, and T.G.A. Father argues that there was insufficient evidence to support the grounds for termination.

In reviewing the termination of parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re D.B., 2002 UT App 314, ¶6, 57 P.3d 1102.

Here, the juvenile court found that termination was justified under five of the grounds enumerated under Utah Code section 78-3a-407(1). See Utah Code Ann. § 78-3a-407(1) (Supp. 2005). Specifically, the court found that termination was appropriate due to Father's (1) neglect of the children;

(2) unfitness or incompetency as a parent; (3) unwillingness to remedy the circumstances that caused the children to be in an out-of-home placement; (4) failure of parental adjustment; and (5) failure to give care to the children after return to the home. See id. § 78-3a-407(1)(b)-(e), (h). Any single ground is sufficient to terminate parental rights. See id. § 78-3a-407(1) (providing court may terminate parental rights if it finds "any one of" the listed grounds); In re D.B., 2002 UT App 314 at ¶13 n.4.

Although Father does not identify a ground for termination that specifically lacks evidentiary support, we have reviewed the record and find sufficient evidence to support termination. For instance, the record reveals that three of the four children were originally adjudicated as abused, neglected, and dependent based upon Father's involvement in the criminal justice system, his history of drug abuse, and his failure to make adequate arrangements for the children upon his incarceration. As a result, these children were placed in an out-of-home placement under Division of Child and Family Services (the Division) supervision. Shortly after the birth of T.G.A., he, too, was placed under the Division's protective supervision. Although Father's release led the juvenile court to afford him temporary custody and guardianship of the children, Father immediately failed to address certain issues that led to the removal of his children. Notably, Father tested positive for methamphetamine and the children were found at home with their mother, J.P., from whom Father had been specifically directed to protect the children. Removal was required once again.

Based on these facts, the evidence is sufficient to establish grounds for termination based upon parental unfitness, unwillingness to remedy the circumstances that caused the children to be in an out-of-home placement, and failure to give care to the children after return to the home. See Utah Code Ann. § 78-3a-407(1)(b),(d),(h).

Accordingly, the juvenile court order is affirmed.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

Carolyn B. McHugh, Judge